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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,355	10/17/2000	Ghassan Semaan	453.03	3493
47827	7590	06/28/2005		
BIRCH, STEWART, KOLASCH & BIRCH LLP PO BOX 747 8110 GATEHOUSE ROAD, STE 500 EAST FALLS CHURCH, VA 22040-0747			EXAMINER FERRIS, DERRICK W	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/691,355	SEMAAN ET AL.	
	Examiner	Art Unit	
	Derrick W. Ferris	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/30/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/30/2005 have been fully considered but they are not persuasive. In particular, applicant appears to argue two issues. The first is the amendment limitation of profiles and the second is the use of the term specific with respect to specific values as recited e.g., in the independent claim 1 in the second-to-last line. With respect to the first issue, examiner respectfully disagrees since at least one profile is defined in the reference. With respect to the second issue, examiner also disagrees as mentioned previously in the last Office action. Although examiner thanks applicant for pointing out specific examples of specific values, examiner notes the specific values mentioned in their remarks are not recited in the claim(s), see e.g., page 9 of applicant's remarks filed 3/8/2005. Since applicant paid for a continued examination, although the rejection is maintained, the Office action is made non-final in order to provide applicant a further opportunity to respond. The examiner also informed the applicant that the current rejection would be made non-final during a conversation on 6/23/2004 with the applicant. Below please find further comments regarding applicant's remarks cited in the previous Office action.

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In response to applicant's arguments, applicant argues the limitation of defining one or more profiles for each characteristic, the one or more profiles *assigning specific values* to said each characteristics. *Palmer* teaches a logical object as a "logical entity", an attribute as a characteristic, and a physical instantiation of the logical object (i.e., physical object) as a profile. In particular, when the management station (CMS 15 or local management system 16) instantiates the logical object, a profile is assigned or mapped based on the correlation layer. As physical attributes represent the logical object's attributes or characteristics, the profile is assigned a specific value based on each physical object. By way of example, the bridge object class, see e.g., column 7, lines 54-60, contains the following attributes: bridge type, bridge ID, service state and alarm state. During e.g., provisioning or reconfiguration, the bridge object is instantiated or mapped to a physical object where the physical object is assigned specific values for each attribute or characteristic representing the actual physical object (i.e., each physical object is a profile). Thus a specific bridge representing a profile would be assigned specific values representing the bridge type, bridge ID, service, state and alarm state.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-22** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,295,139 A to *Palmer*.

As to **claim 1**, figure 3 of *Palmer* shows a network element feature (e.g., path, circuit, channel) as a logical entity (i.e., logical objects), see e.g., column 7, lines 4-14. One or more characteristics associated with a network element, the characteristic related to functional attributes of the network elements, are shown as associated attributes of the object class, see e.g., column 7, lines 47-60. Instances of a certain object class have specific attributes and thus make up at least one “profile”. For example, an instance of the Bridge object class (see column 7, lines 54-60) would have specific attributes relating to bridge type, bridge ID, service state, and alarm state making up a profile. Thus two instances of the same (logical) “entity” can be represented by different profiles.

As to **claim 2**, see e.g., column 4, lines 37-54 with respect to SONET.

As to **claim 3**, see e.g., column 9, lines 17-23 with respect to a hardware object class. Also see figure 3 with respect to network interface devices and transmission links.

As to **claim 4**, see e.g., column 8, lines 11-14 with respect to channel.

As to **claim 5**, each instance is a profile, see the rejection to claim 1.

As to **claim 6**, alarm levels are defined as “alarm state”, see e.g., column 7, line 60. Also see column 13, lines 25-37 with respect to failures.

As to **claim 7**, the “alarm state” is a type of alarm.

As to **claim 8**, examiner notes a broad but reasonable interpretation of “performance characteristics”. As such, see e.g., a service state at column 7, lines 59-60. Also note column 8, line 16-18 with respect to type of information.

As to **claim 9**, such information can be used to generate status reports, see e.g., column 13, lines 45-55.

As to **claim 10**, see e.g., column 7, lines 25-31 with respect to “multiple ownership” and attributes that include “owners”.

As to **claim 11**, see similar rejection to claim 1.

As to **claim 12**, see similar rejection to claim 2.

As to **claim 13**, see similar rejection to claim 3.

As to **claim 14**, see similar rejection to claim 4.

As to **claim 15**, see similar rejection to claim 5.

As to **claim 16**, see similar rejection to claim 6.

As to **claim 17**, see similar rejection to claim 7.

As to **claim 18**, see similar rejection to claim 8.

As to **claim 19**, see similar rejection to claim 9.

As to **claim 20**, see similar rejection to claim 10.

As to **claims 21 and 22**, *Palmer* teaches reconfiguration such that reconfiguration assigns a new profile (i.e., modified profile) to a logical object. As such, if a user decides to change a new end-point (i.e., based on a user preference) then the profile is modified to accommodate that new end point.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derrick W. Ferris whose telephone number is (571) 272-3123.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663


DWF


RICKY NGO
PRIMARY EXAMINER